



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

**Agency:** Department of Social and Health Services, Medicaid Purchasing Administration

**Subject of possible rule making:**

Chapter 388-551 WAC, Subchapter I - Hospice Services  
And possibly other related WAC sections

**Statutes authorizing the agency to adopt rules on this subject:**

RCW 74.08.090, RCW 74.09.520, Section 2302 of the Patient Protection and Affordable Care Act of 2010 (P.L. 111-148), and Section 1814(a)(7) of the Social Security Act.

**Reasons why rules on this subject may be needed and what they might accomplish:**

In accordance with the Patient Protection and Affordable Care Act of 2010 (P.L. 111-148), these rule changes are necessary to: (1) Establish that a family electing to receive hospice care for an individual under twenty-one years of age is no longer required to waive treatment for the terminal illness; and (2) Require that a hospice physician or nurse practitioner must have a face-to-face encounter with every hospice patient to determine the continued eligibility of that patient prior to the 180-day recertification, and prior to each subsequent recertification and also attest that the visit took place.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The department is coordinating the rule development with the Centers for Medicare & Medicaid Services (CMS) and Aging and Adult Services Administration.

**Process for developing new rule (check all that apply):**

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe)

DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact:

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**DATE**

March 22, 2011

**NAME (TYPE OR PRINT)**

Katherine Vasquez

**SIGNATURE**

**TITLE**

DSHS Rules Coordinator

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STATE OF WASHINGTON  
FILED

**DATE: March 22, 2011**

**TIME: 2:06 PM**

**WSR 11-07-092**